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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,380	05/10/2001	Edgar N. Rudisill	SS3045USNA	5497

23906 7590 06/03/2003

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EXAMINER

GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 06/03/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

19/252380

Applicant(s)

Rudisill et al.

Examiner

John Guarnello

Group Art Unit

1971

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3,5,6
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-02-104755.

JP'755 describes meltblown fiber of a polyester polymer, polyethylene terephthalate, with a fiber diameter of about 0.45-0.80, (see abstract; document, page 2, last paragraph), microns and an intrinsic viscosity in the range of 0.50-0.70, which intrinsic viscosity corresponds to the values of the claimed invention and overlaps the claimed values, (see abstract; document, page 2, last paragraph). It is the Examiner's position since JP'755

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describes the basic chemistry and structure of the claimed invention the "at least 20%" is met and the claims lack novelty. (This based on oral translation by Japanese translator and pending full translation).

Claim Rejections - 35 USC § 103

16. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/09425.

WO'425 describes a composite sheet with a first fibrous layer having a first side and an opposite second side, and a second fibrous layer bonded to the first side of the first fibrous layer, (see abstract). WO'425 describes polyester, among which is polyethylene terephthalate and all copolymers, blends and other combinations, on (page 5, lines 20-28). WO'425 describes web and multiple component meltblown web, (page 6, lines 5-10). WO'425 describes fine fiber layer which comprises a mutiple component meltblown web which is a bicomponent or side-by-side, (page 7, lines 27-35). WO'425 describes about 20 to 80% by weight of polyethylene, (page 8, lines 21-23). WO'425 describes the polyester component to be about 2-80% by weight,

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(page 10, lines 9-19). WO'425 describes the basis weight of the composite sheet to be in the range of 10-120 g./square meter, which overlaps that of the claimed invention, (page 14, lines 33-37). WO'425 is silent about the weight average molecular weight below 25,000 for the polyester and viscosity.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the polyester component regarding weight average molecular weight motivated with the expectation that since WO'425 describes the basic properties, corresponding to intrinsic viscosity, page 9, lines 1-6, and basis weight, it would be routine for one of ordinary skill in this fiber art to optimize the molecular weight of polyester to correspond to the viscosity and the basis weight since both overlap that of the claimed invention. Moreover, it is the Examiner's position that intrinsic viscosity is directly proportional to the molecular weight of a polymer, thus this is an inherent property.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

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number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


John J. Guarriello:gj

Patent Examiner

April 29, 2003

May 30, 2003


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700